

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
ENTERED

APR 22 2005

Michael N. Milby, Clerk

In Re ENRON CORPORATION §  
SECURITIES, DERIVATIVE & § MDL 1446  
"ERISA" LITIGATION, §

MARK NEWBY, et al., §  
§  
Plaintiffs §

VS. §

CIVIL ACTION NO. H-01-3624  
AND CONSOLIDATED CASES

ENRON CORPORATION, ET AL., §  
§  
Defendants §

WESTBORO PROPERTIES, L.L.C. AND §  
STONEHURST CAPITAL, INC., §  
§  
Plaintiffs, §

VS. §

CIVIL ACTION NO. H-05-1165  
(COORDINATED CASE)

CANADIAN IMPERIAL BANK OF §  
COMMERCE, ET AL., §  
§  
Defendants. §

ORDER OF COORDINATION

*Westboro Properties, L.L.C., et al. v. Canadian Imperial Bank of Commerce, et al.*, H-05-1165, alleges under Texas state law that, in order obtain millions of dollars in fees and interests, Defendant banks conspired with and aided Enron in a Ponzi scheme involving fraudulent transactions and misrepresentation of Enron's financial situation to shift the risk by luring unsuspecting investors like Plaintiffs.

Filed in H-05-1165, pending before the Honorable Vanessa Gilmore, are Defendants' notice of consolidation, and in the alternative, motion to consolidate (#4) and motion for partially

agreed enlargement of time to move, answer or respond to Plaintiffs' complaint (#5).

Because the claims in H-05-1165 arise from the same nucleus of operative fact as those in *Newby* and the action asserts claims against many of the same parties and therefore discovery in both actions will be substantially overlapping, pursuant to the Court's order of December 12, 2001 in *Newby v. Enron Corporation*, H-01-3624, the Court

ORDERS that *Westboro Properties, L.L.C., et al. v. Canadian Imperial Bank of Commerce, et al.*, H-05-1165, is hereby designated as a "coordinated case" with *Newby v. Enron Corporation*, H-01-3624, for pretrial matters. Thus the motion to consolidate (#4) is MOOT. Because to maintain order in the is large litigation the Court has previously ruled that pleading in the coordinated and consolidated cases is stayed, the Court further

Orders that Defendants' motion for enlargement of time is GRANTED (#5) and pleading is stayed until otherwise ordered by the Court.

**SIGNED** at Houston, Texas, this 21<sup>st</sup> day of April, 2005.



MELINDA HARMON  
UNITED STATES DISTRICT JUDGE